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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/661,357

09/12/2003

Gunter Homes

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05/05/2005

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EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,357

Applicant(s)

HOMES, GUNTER

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the RCE filed on April 7, 2005.
2. Claims 19-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference DE 298 13 340 in view of Norton (US 6,722,287)

The German reference discloses a railroad box car similar to that recited in the instant claims, including roof beam 4 provided with door guiding tracks 15, a pair of side doors 5 provided with angled upper extensions 13 that are provided with structure 14 to engage with guiding tracks 15, and said pair of side doors extending substantially a full length of the interior space of the car. It is noted that the German reference does not disclose the car body being an insulated structure including inner and outer skins and a mass of foam insulation bonded therebetween, or a means for conditioning air, or lower edges of the doors provided with rollers and tracks for guiding the lower edges of the doors.

Norton discloses a railroad boxcar; wherein, the car body is as an insulated structure including inner and outer skins 61, 54 with a mass of insulating foam 58 therebetween. The box car of Norton is further provided with air conditioning means 140,142, and sliding doors provided with rollers that are supported on upper and lower tracks as shown in Figure 1A of Norton.

In view of Norton, it would have been obvious to one skilled in the art to provide means for conditioning air and insulate the boxcar of the German reference, in a manner similar to that taught by Norton, so as to provide better protections for perishable goods. Further, it would also have been obvious to one skilled in the art to

provide the lower edges of the doors of the German reference with door rollers in association with lower supporting tracks, in a manner similar to that taught by Norton, so as to facilitate the sliding movements of the doors.

Regarding claim 25, it is considered that the shape of the roof beam of the German reference inherently has some effects in urging the doors into the closed position.

Regarding the instant claimed roof structure being provided with air-flow passages connected to the conditioning means, recited in instant claim 26, consider the air flow passages in the roof structure shown in Figure 5 of Norton. In view of Norton, it would have been obvious to one skilled in the art provide air-flow passages in the roof structure of the German reference, as modified, so as to achieve expected advantages thereof, such as enhanced air circulations.

Regarding the instant claimed seals, as recited in instant claim 27, note that the walls, roof, floor and doors of Norton, as shown in the instant drawings, are tightly connected. Such tight connections of Norton are readable as seals. In view of Norton, it would have been obvious to one skilled in the art to tightly connect the walls, roof, floor, and doors of the German reference, in a manner similar to that taught by Norton, so as to provide better seals and to better insulate the interior space of the railroad car.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 19 above, and further in view of Stinson (US 4,668,008).

Regarding the instant claimed latch means, consider the latch means shown in Figure 3 of Stinson. In view of Stinson, it would have been obvious to one skilled in the

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art to provide latch means, similar to that taught by Stinson, in the structure of the German reference, as modified, so as to hold the sliding doors from unwanted movements.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
4/27/05